

**UNITED STATE DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GETRONICSWANG CO., LLC,
Plaintiff,

v.

HYNIX SEMICONDUCTOR, INC., and
SAMSUNG ELECTRONICS CO., LTD.,
Defendants.

Civil Action No. 04-12382 (RCL)

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants Hynix Semiconductor, Inc. ("Hynix") and Samsung Electronics Co., Ltd. ("Samsung") move, pursuant to Federal Rule of Civil Procedure 56, for summary judgment on all counts of the complaint by plaintiff Getronicswang Co., LLC ("Wang"). On the basis of undisputed facts, Hynix and Samsung are entitled to judgment as a matter of law in this breach of contract action stemming from defendants' withholding of Korean taxes on Wang's behalf on royalty payments they made to Wang pursuant to licensing agreements. As set forth more fully in defendants' accompanying memorandum, this motion should be granted because: the defendants performed exactly as required under the agreements; Wang cannot prove, as it must, that defendants were not required by the Korean government to withhold the tax payments; even if it could, the claims are time-barred; and, in any event, it is unfair and unreasonable to make the defendants bear the exchange-rate risk and pay to Wang more than they received on Wang's behalf from the Korean government when that risk was not contemplated by the parties and the allocation of the risk of exchange-rate fluctuation was not addressed by the licensing agreements.

REQUEST FOR ORAL ARGUMENT

Defendants believe that oral argument may assist the Court and wish to be heard on their motion for summary judgment.

WHEREFORE, defendants request that the Court grant their motion for summary judgment.

Respectfully submitted,

HYNIX SEMICONDUCTOR, INC. and
SAMSUNG ELECTRONICS CO., LTD.,

By their attorneys,

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